

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Arthur Daniel Mayo,

Petitioner

v.

Brian Williams, et al.,

Respondents

2:16-cv-00599-JAD-GWF

**Order Vacating Dismissal and Clerk's
Judgment and Scheduling Briefing**

On April 13, 2016, I dismissed this habeas case without prejudice because Mayo did not pay the \$5 filing fee or submit an application to proceed *in forma pauperis* and judgment was entered accordingly.¹ But the very next day, an image of a receipt was entered showing that on April 13, 2016—the same day as my dismissal order—Mayo paid the filing fee.²

Given these circumstances, I vacate my order dismissing this case and the Clerk's Judgment and proceed to adjudicate Mayo's habeas petition. Having reviewed Mayo's petition under Rule 4 of the Rules Governing Section 2254 cases in the United States district courts, I find that it merits service on respondents, and I issue a scheduling order.

IT IS HEREBY ORDERED that the **order dismissing this case without prejudice [ECF 2] and Clerk's Judgment [ECF 3] are VACATED.**

IT IS FURTHER ORDERED that the Clerk of Court is instructed to separately file the petition for writ of habeas corpus (currently filed as "initiating documents" at ECF No. 1). The Clerk of Court is also instructed to add Adam Paul Laxalt, Attorney General for the State of Nevada, as counsel for respondents and to electronically serve respondents with a copy of the petition and a copy of this order.

IT IS FURTHER ORDERED that respondents must appear in this action and must answer or

¹ ECF No. 2, 3.

² ECF No. 4.

1 otherwise respond to the petition by **June 20, 2016**.

2 IT IS FURTHER ORDERED that if respondents file an answer, petitioner will have 60 days
3 from the date of service of the answer to file and serve a reply. If respondents file a motion to
4 dismiss, petitioner will have 60 days from the date of service of the motion to file and serve a
5 response, and respondents will then have 30 days to file a reply.

6 Dated April 20, 2016.

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Jennifer A. Dorsey
United States District Judge